



Withdrawal of Reference

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28 U.S.C. §157(d) and F.R.B.P. 5011 govern motions for withdrawal of reference. To withdraw a reference to the United States District Court District of Utah (District Court), a Motion to Withdraw Reference with the appropriate filing fee, an [Application for Order of Transmittal](#), [1] and a proposed [Order of Transmittal](#), [2] must be filed as separate documents with the Bankruptcy Court. F.R.B.P. 5011(a) makes it clear that the bankruptcy judge will not conduct hearings on a withdrawal motion. Upon execution of the Order of Transmittal by the bankruptcy judge, the motion to withdraw reference along with the application and signed order are transmitted to the District Court for ruling on the motion. F.R.B.P. 5011(c) states that unless the court so orders, proceedings are not stayed when motions are filed for withdrawal. Because of the district court's authority over cases and proceedings, F.R.B.P. 5011(c) authorizes the district court to order a stay or modify a stay ordered by the bankruptcy judge.

Source URL: <https://www.utb.uscourts.gov/withdrawal-reference>

Links

[1] <https://www.utb.uscourts.gov/forms/application-order-directing-transmittal-motion-withdrawal-reference-united-states-district>

[2] <https://www.utb.uscourts.gov/forms/order-directing-transmittal-motion-withdrawal-reference-united-states-district-court>